

REMARKS

Reconsideration of the present application is respectfully requested. Claims 1-26 were pending in this application. Claims 1-26 were rejected. No claims have been amended, added, or cancelled. Thus, claims 1-26 remain pending.

Claims 10, 11, and 24-26 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent App. Pub. US 2001/0034836 (hereinafter "Matsumoto") Claims 1-4, 6-9, 12, 22 and 23 were rejected under 35 U.S.C. 103(a) as being obvious over Matsumoto in view of U.S. Patent 5,535,276 to Ganesan. Claim 5 was rejected under 35 U.S.C. 103(a) as being obvious over Matsumoto in view of Ganesan, and further in view of Brickell. Claims 13-21 were rejected under 35 U.S.C. §103(a) as being obvious over Matsumoto in view of U.S. Patent No. 6,587,946 to Jakobsson. Thus each of the rejections relies upon Matsumoto as a primary reference.

The Applicants respectfully submit that Matsumoto is not properly prior art to the present invention. The Applicants are concurrently filing Declarations under 37 C.F.R. §131, executed by the inventors of the present application, to establish that the subject matter of the rejected claims was invented prior to the effective date of Matsumoto, and as requested by the Examiner (See Office Action, mailed 10/20/2006, page 2 ¶ 6). Matsumoto was filed on January 30, 2001 and relates back to a provisional application filed on January 31, 2000. Applicants have not reviewed the contents of the provisional application, since the provisional application is in Japanese. Thus, Applicants reserve the right to dispute that the provisional application supports the application.

Applicants have enclosed Declarations of prior invention under 37 CFR § 1.131. Applicants respectfully submit the Declarations and associated exhibits as proof that the

rejected claims were invented prior to the earliest filing date Matsumoto cited by the Examiner as prior art in the Final Office Action mailed 03/20/2006. As a result of Applicants' proof that the subject matter of the rejected claims was invented prior to the effective date of Matsumoto, Applicants respectfully request the Examiner to consider the Matsumoto as not properly prior art to the present invention. Therefore, Applicants respectfully request the withdrawal of the rejections over Matsumo.

CONCLUSION

Applicant respectfully submits that in view of the declaration and discussion set forth herein, the applicable rejections have been overcome. Accordingly, the present and amended claims should be found to be in condition for allowance.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Judith Szepesi at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



Judith A. Szepesi
Reg. No. 39,393

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Customer No. 08791
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025
(408) 720-8300
Fax (408) 720-8383